



## Ohio Revised Code

### Section 4768.04 Duties of superintendent.

Effective: December 14, 2018

Legislation: House Bill 213 - 132nd General Assembly

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(A) The superintendent of real estate and professional licensing shall do all of the following:

- (1) Prescribe the form and content of all applications required by this chapter;
- (2) Receive applications for licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;
- (3) Retain records and all application materials submitted to the superintendent;
- (4) Issue licenses and maintain a register of the names and addresses of all appraisal management companies issued a license under this chapter;
- (5) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;
- (6) Administer this chapter;
- (7) Issue all orders necessary to implement this chapter;
- (8) Investigate complaints, upon the motion of the superintendent of real estate and professional licensing or upon receipt of a complaint, or at the request of the real estate appraiser board, concerning any violation of this chapter or the rules adopted pursuant thereto or the conduct of any person holding a license issued pursuant to this chapter;
- (9) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as, in the judgment of the superintendent of real estate and professional licensing, are appropriate to enforce this chapter. The investigators and auditors may review and audit the business records of licensees during normal business hours. The superintendent



of real estate and professional licensing may utilize the investigators and auditors who are employed by the division of real estate and professional licensing for other related purposes.

(10) Appoint a hearing examiner for any proceeding under section 4768.13 or 4768.14 of the Revised Code;

(11) Make and transmit any reports, and collect and transmit any fees, that are required under section 1109(a) of the "Financial Institutions, Reform, Recovery, and Enforcement Act," as amended, 12 U.S.C. 3338(a).

(B) The superintendent of real estate and professional licensing may do any of the following:

(1) In connection with investigations and audits under division (A)(8) of this section, subpoena witnesses as provided in section 4768.05 of the Revised Code;

(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent of real estate and professional licensing that any person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other appropriate relief, or any combination thereof;

(3) In conjunction with the enforcement of this chapter, when the superintendent of real estate and professional licensing has reasonable cause to believe that any owner or controlling person of a licensee has committed a criminal offense, the superintendent of real estate and professional licensing may request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the owner or controlling person. The superintendent of the bureau of criminal identification and investigation shall obtain information from the federal bureau of investigation as part of the criminal records check of the owner or controlling person. The superintendent of real estate and professional licensing may assess the licensee a fee equal to the fee assessed for the criminal records check.

(C)(1) The following information and documents are confidential and not public records under section 149.43 of the Revised Code:



(a) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to divisions (A)(8) and (9) of this section;

(b) All reports, documents, and other work products that arise from the information described in division (C)(1)(a) of this section and that are prepared by the investigators, auditors, or other personnel of the department of commerce.

(2) The superintendent of real estate and professional licensing, the investigators and auditors, and other personnel of the department shall hold in confidence the information, reports, documents, and other work products described in division (C)(1) of this section.

(3) Divisions (C)(1) and (2) of this section do not prevent the division from releasing information relating to licensees to the superintendent of financial institutions for purposes relating to the administration of sections 1322.01 to 1322.12 of the Revised Code, to the commissioner of securities for purposes relating to Chapter 1707. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the attorney general, or to law enforcement agencies and prosecutors. Information released by the division pursuant to division (C)(3) of this section remains confidential.